

INCOMING TELEGRAM*Department of State*~~RESTRICTED~~

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NAVY

FROM: Mexico City

TO: Secretary of State

NO: 1493, March 9, 11 a.m.

Control: 3071

Rec'd: March 9, 1953

3 p.m.

Please return to

APR 24 1953

25X1

To date representations to the Foreign Office re shrimp boats have been oral (DEPTEL 1134, March 4). I am convinced that these seizures were made largely because of an inspired press campaign and a good bit of skullduggery and I am also convinced that the boats were not (rpt not) fishing at the time of seizure. Under Mexican procedure the ultimate finding of guilt or innocence will be done through administrative action without opportunity for proper judicial hearing. With the Department's authorization I would like to go on record with formal note along following lines:

25X1

QUOTE

Excellency:

I have the honor to refer to my call on Your Excellency on March 6 at which time we discussed the problems arising out of the seizures by Mexican authorities of 17 North American shrimp boats. You will recall that I expressed the opinion that there is one principal question to be resolved, namely, were these boats fishing for shrimp at the time of their seizure. If they were not (rpt not) fishing at the time of their seizure, no Mexican law was being violated and no question of the limits of territorial waters arises.

I have gone into this matter thoroughly and as a result of my studies and investigations I am convinced that the boats presently under detention were not (rpt not) fishing for shrimp at the time of their seizure. I feel that the innocence of these boats can clearly be demonstrated if full opportunity is afforded for the presentation of evidence, recognized technical information, and for the examination and cross-examination of witnesses. I hope that such opportunity can and will be afforded.

The seizure and continued detention of these North American boats is adversely affecting the ever growing friendly relations between our two countries, and I feel that no stone

should be

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-2- 1493, March 9, 11 a.m., from Mexico City

should be left unturned to assure that in the final decision to be rendered there can be no reasonable doubt as to whether these boats were or were not clearly violating Mexican law.

UNQUOTE

Perhaps Department will prefer note worded differently and on basis acting under Department instruction.

Please instruct.

CULBERTSON

CTW:MP/15

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Action

Control: 3036

Rec'd: March 9, 1953

1:59 p.m.

APR 24 1953

25X1

FROM: Mexico City

TO: Secretary of State

NO: 1492, March 9, noon.

FOR RUBOTTOM MID FROM CULBERTSON

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Foreign Minister Padilla Nervo and Rabasa received me and Ailshie at one o'clock March 6. We discussed the shrimp boat seizure for over an hour. I conveyed to him substance of DEPTTEL 1134, March 4 and emphasized adverse publicity that his case has received both in American press and in the Congress. I said that it was particularly unfortunate that this should occur at beginning of a new administration in my country and also in Mexico. I said that my government is concerned over this matter and hopes that a solution may be found promptly which will be fair to all concerned and will be strictly in accordance with the pertinent laws and regulations. I informed the Minister that Ailshie and I had gone to Campeche to make a personal investigation of the matter in view of its importance and that we were glad to meet there numerous high officials of Mexican Government which showed interest of this administration in reaching a solution. I mentioned among other things that while the testimony of the Mexican officials and the American boat captains are contradictory, there is one collateral fact worthy of consideration and that is that the particular species of shrimp which are caught northwest of Campeche is the pink shrimp which I have been informed by Dr. Milton Lindner, head of fisheries mission of the Embassy, for some reason is generally fished by night and not (rpt not) during the day. Whether this is because the shrimp crawl into the sea bottom during the day, or whatever the reason, it is our understanding that it is standard fishing procedure to fish for pink shrimp only at night. I pointed out that I had some of the shrimp caught by the American boats and that it was pink shrimp. Mr. Rabasa was inclined to take issue with me on this point and said that he had been advised that pink shrimp is fished both in the daytime and at night. I then remarked that of course the Minister would be able to verify from Mexican sources the accuracy of my statement.

I then went on to say that it was the earnest hope of my government that Mexican Government would make every possible effort reach a fair and prompt decision on these boats.

The Minister

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-2- 1492, March 9, noon, from Mexico City.

The Minister replied that he fully shared our views and that he appreciated that there were political and other pressures building up in both countries which tended to make it difficult to conduct the case strictly according to the proper procedures and to reach a decision on the merits. He therefore suggested that in order create an atmosphere which would be more conducive to a just settlement, the owners might wish to post a bond which would permit the captain and crew to depart in their boats, although they would have to leave their fishing tackle and catch in custody of Mexican Customs. The Minister thought if this were done the case could then proceed in a calmer atmosphere and be decided on its merits. I replied that of course I could not (rpt not) speak for the owners but that I appreciated his point of view and would recommend to the owners that they post a bond, if, however, some arrangement might be made that would permit them to take their fishing tackle with them on the boats. The Minister in my presence instructed Rabasa to study the laws and regulations carefully, although this matter is under jurisdiction of Ministry Marine, so that the Foreign Office would be in a position to judge whether everything is being done according to law and to be able to make pertinent suggestions to the appropriate officials of other departments. The Minister informed me incidentally that immediately after the seizure of the two shrimp boats at Tuxpan some two weeks ago the President personally instructed the Ministry of Marine to take steps to make certain that in subsequent seizures the greatest regard be given to correctness of the procedure under the laws and regulations.

I feel satisfied that Foreign Office is aware of the seriousness of this matter and that it will use its influence to obtain a fair decision as soon as possible.

Reference DEPTTEL 1140, March 6 we have nothing to add to our long teletype report except the foregoing.

CULBERTSON

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